

REMARKS/ARGUMENTS

Reconsideration of this Application and entry of this Amendment is respectfully requested.

By the foregoing amendment the claims have been amended to broaden certain language and to clarify the claimed subject matter. No new matter has been added.

Also, independent claim 1 has been amended to require that the lumen blocking portion of the device fully blocks the flow of fluid in at least one direction through the body lumen and is penetrable *in situ* by advancement of a penetrating member through the lumen blocking portion while the device is implanted within a body lumen. This amendment is supported by the originally filed specification, including but not limited to passages of the specification at page 4, lines 7-9, page 17, lines 23-31, page 22, lines 18-24 and original claim 15.

Obviousness Type Double Patenting Rejections

Enclosed is a terminal disclaimer which overcomes the stated double patenting rejection over United States Patent No. 6,638,293.

35 U.S.C. §102 Rejections

In the office action, claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,693,067 (Purdy). However, for a variety of reasons, Purdy does not disclose or render obvious the device recited in Applicant's claims as currently amended.

For example, many embodiments of the Purdy device are coil structures that do not comprise a frame and a lumen blocking portion as required by Applicant's claims. Although other embodiments of the Purdy device (e.g., those shown in Figures 7-11) do include a frame and some fabric covering that may function to partially occlude the lumen of a blood vessel, such fabric covering includes, in each instance, a hole or opening in its center. Thus, even the embodiments of the Purdy device that do include a fabric cover can not fully block the flow of blood in at least one direction through the blood vessel and therefore do not meet that limitation of amended independent claim 1. Furthermore, Purdy does not teach or even remotely suggest that the fabric cover or any other lumen blocking portion be “penetrable *in situ* by advancement of a penetrating member through the lumen blocking portion while the device is implanted within a body lumen” as required by Applicant's amended claim 1. Moreover, there would be no

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motivation to attempt to penetrate the fabric cover of the Purdy device because it already has a hole or opening in its center.

Thus, claims 1-20 as currently amended are believed to be patentably distinguishable over Purdy and all other prior art of record.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 566-1746.

Respectfully submitted,

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